



APPLICATION ACCEPTED: December 21, 2011
BOARD OF ZONING APPEALS: March 28, 2012*

*Moved at the applicant's request

TIME: 9:00 a.m.

County of Fairfax, Virginia

March 21, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-110

MASON DISTRICT

APPLICANT: Christopher M. Robbins

OWNERS: Christopher M. and Michele M. Robbins

SUBDIVISION: Holmes Run Village

STREET ADDRESS: 7859 Thor Drive, Annandale, 22003

TAX MAP REFERENCE: Tax Map 59-4((17)) 45

LOT SIZE: 15,563 square feet

ZONING DISTRICT: R-3C, Residential developed under the cluster provisions

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 13.7 feet from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-MA-110 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\vhomer\Special Permits\Robbins\Staff Report Robbins.doc

Rebecca Horner



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

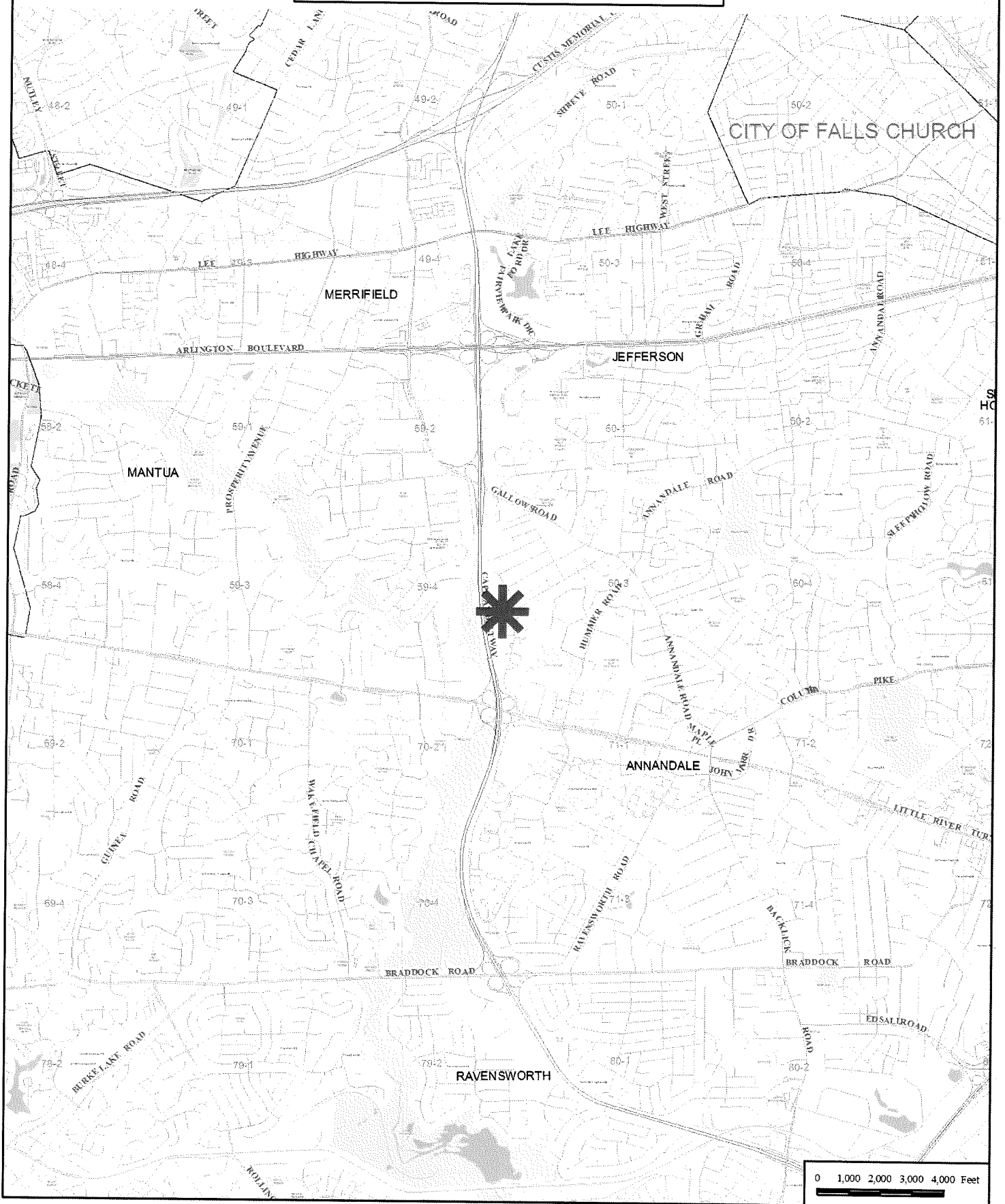


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-MA-110

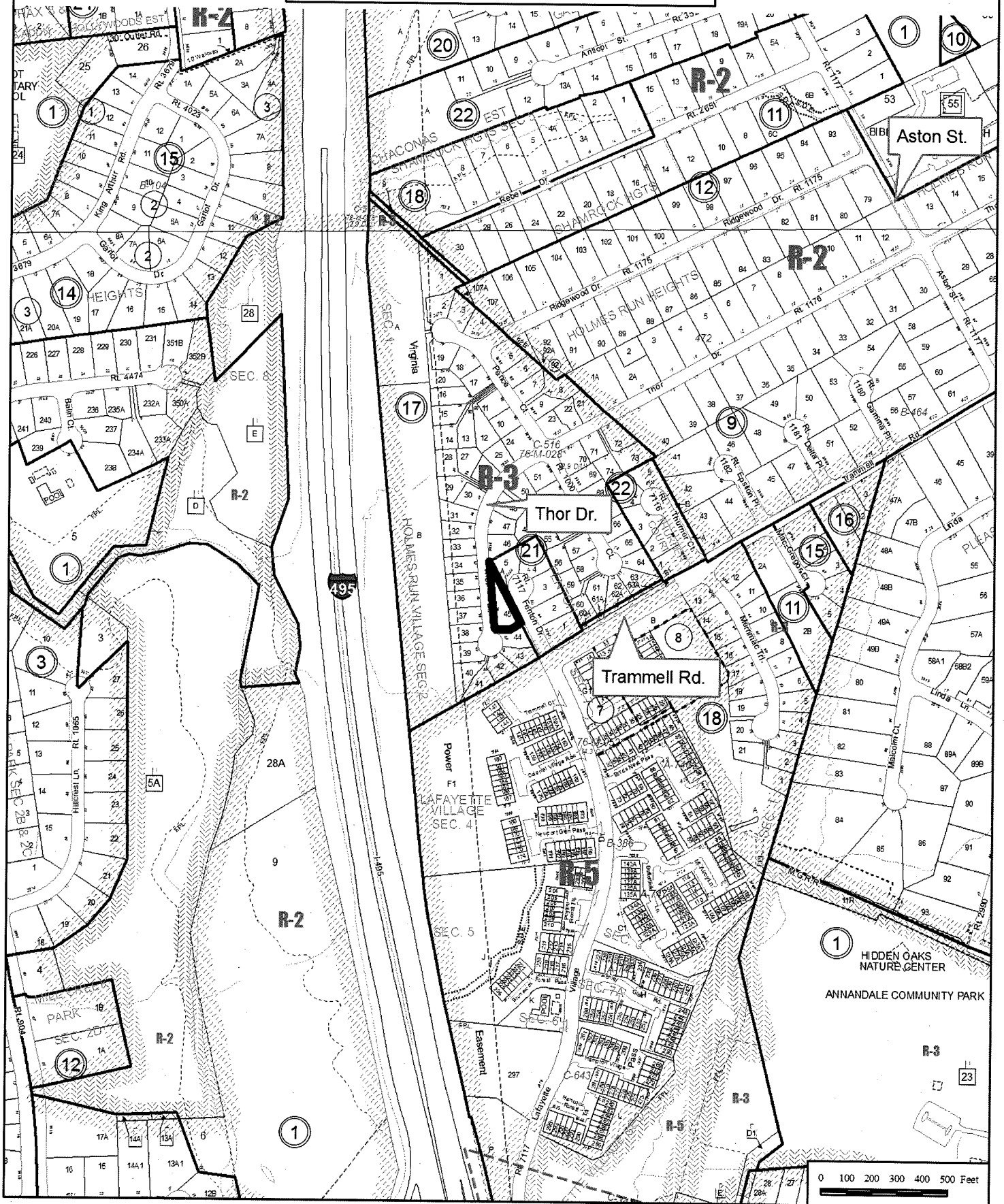
CHRIS ROBBINS



Special Permit

SP 2011-MA-110

CHRIS ROBBINS



NOTES

1. TAX MAP: 0594 17 0045
2. ZONE: R-3C
3. LOT AREA: 15,563 SQUARE FEET
4. MINIMUM REQUIRED YARDS:
FRONT: 20 FEET
SIDE: 8 FEET MINIMUM, 20 FEET TOTAL
REAR: 25 FEET
5. HEIGHTS:
DWELLING: 31.6 FEET
PROPOSED SCREEN DECK: 19 FEET
TO MID POINT ROOF: 17 FEET
TO EAVE/GUTTER: 6.5 FEET
PROPOSED DECK: 6.5 FEET
FENCES, WALLS, ETC. AS SHOWN
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAIN OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. APPROXIMATE FLOOR AREAS BASED IN PART ON EXTERIOR WALL DIMENSIONS:
EXISTING (INCL. LOWEST LEVEL) = 3,390 SQUARE FEET
PROPOSED SCREENED DECK = 238 SQUARE FEET
THE FLOOR AREA OF THE PROPOSED SCREENED DECK EQUALS 7% OF THE EXISTING FLOOR AREA.
12. THERE ARE NO PLANNED CHANGES TO VEGETATION.

SPECIAL PERMIT PLAT LOT 45 SECTION 2 HOLMES RUN VILLAGE MASON DISTRICT FAIRFAX COUNTY, VIRGINIA SCALE: 1" = 20' OCTOBER 5, 2011

GRAPHIC SCALE
0 20 40

THE POSITION OF THE EXISTING IMPROVEMENTS HAS BEEN VERIFIED BY THE SURVEYOR AND NO OTHER ENCROACHMENTS.

CASE NAME:

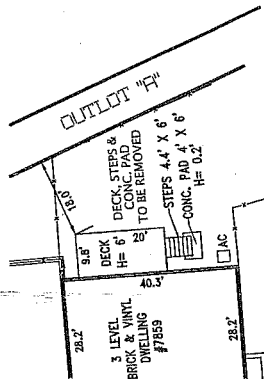
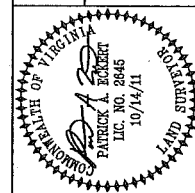
ROBBINS

ORDERED BY:

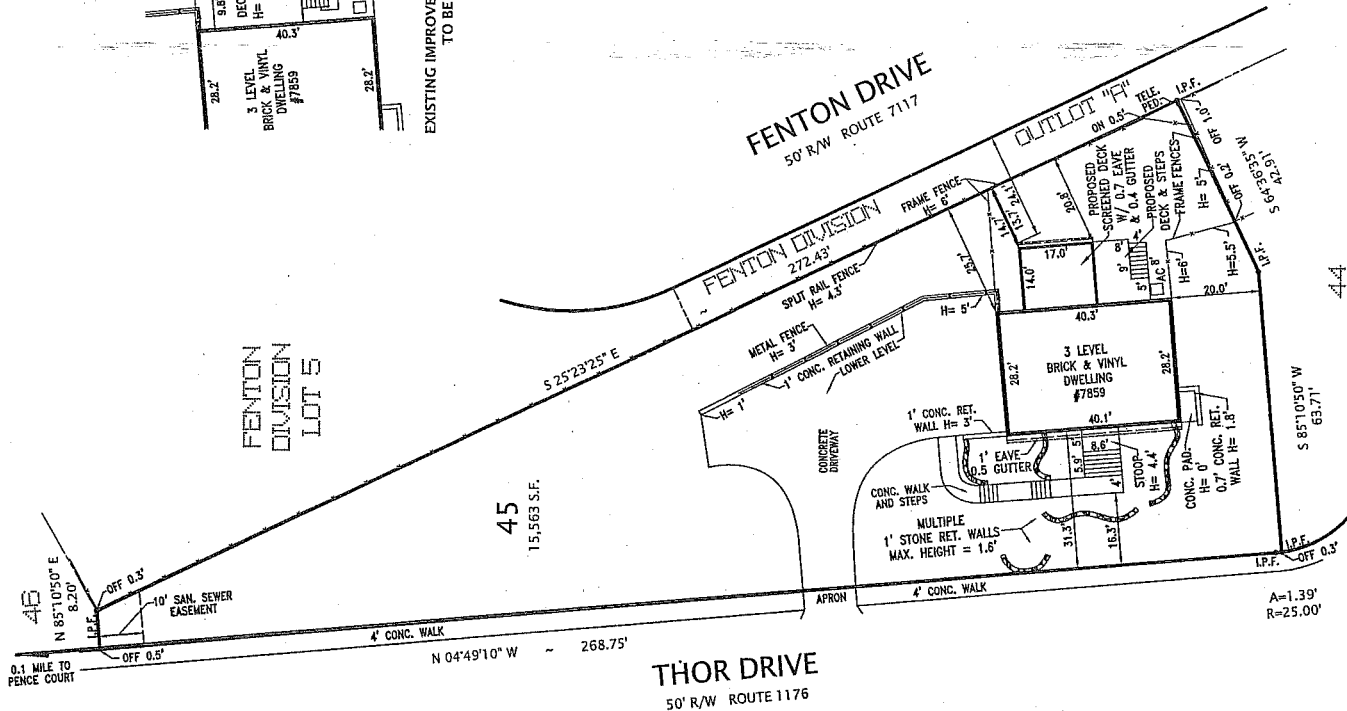
MK WILLIAMS HOMES

ALTEIRA SURVEYS

11216 WAPLES MILL ROAD #102
FAIRFAX, VIRGINIA 22030
TEL. NO. 703-520-1558
FAX NO. 703-995-4800
INFO@ALTERASURVEYS.COM



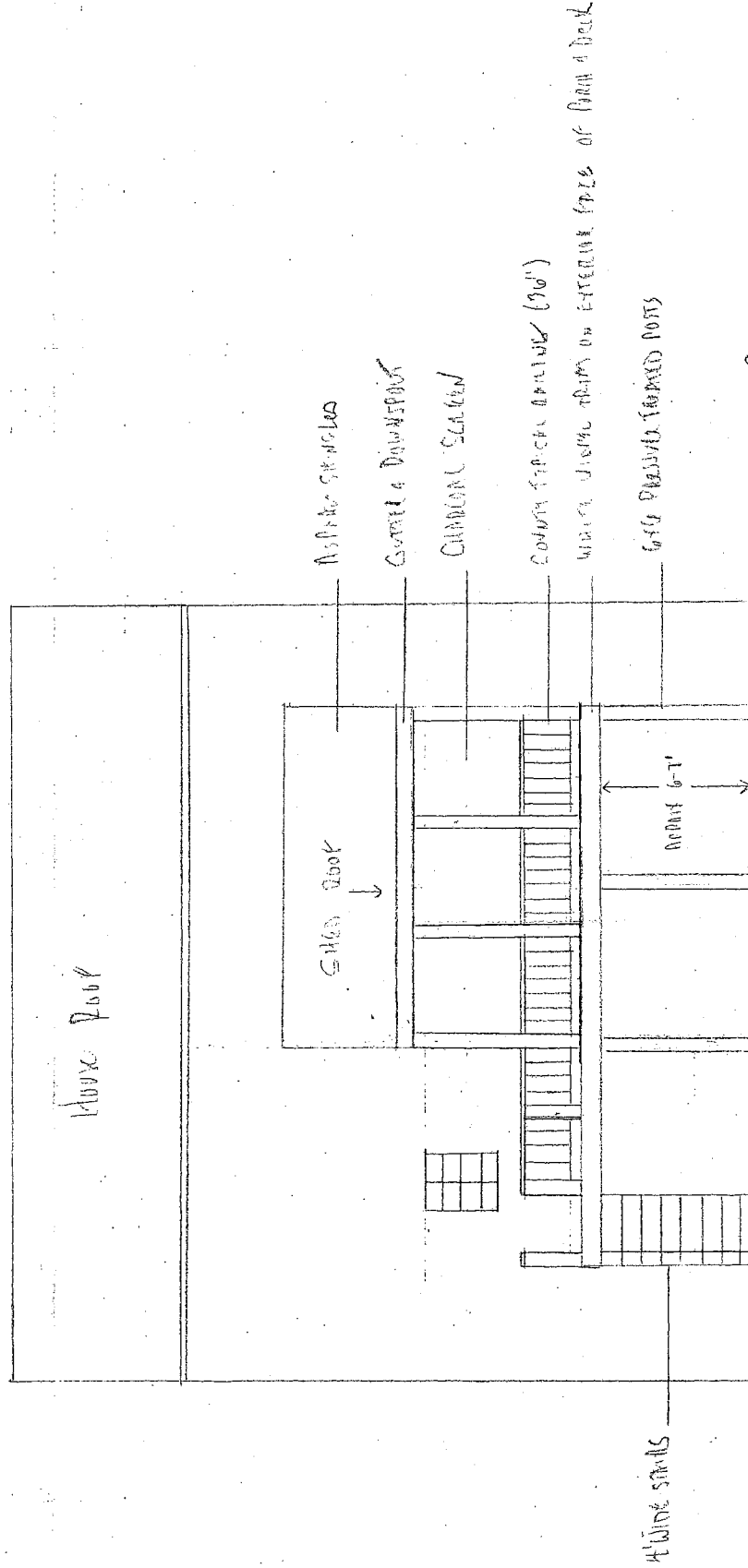
EXISTING IMPROVEMENTS IN REAR YARD
TO BE REMOVED



A=1.39'
R=25.00'

RECORD NORTH

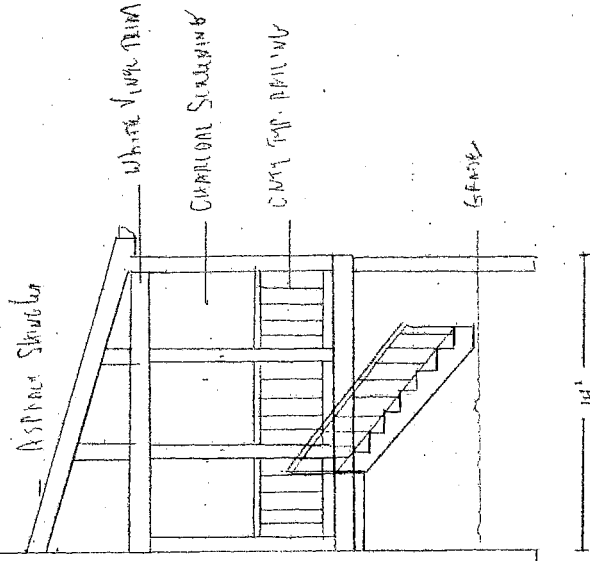
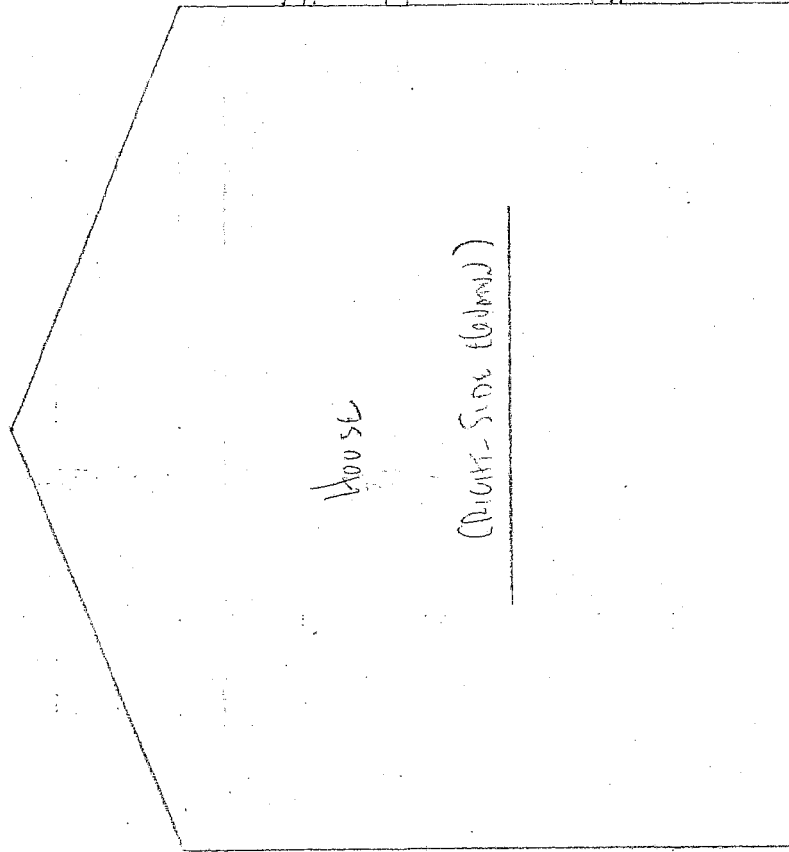
REAR ELEVATION



ROBINSON DESIGN CO.
7859 THORNTON AVE, ANNANDALE VA
INDEPENDENT HOMES LLC
SEPT. 2011

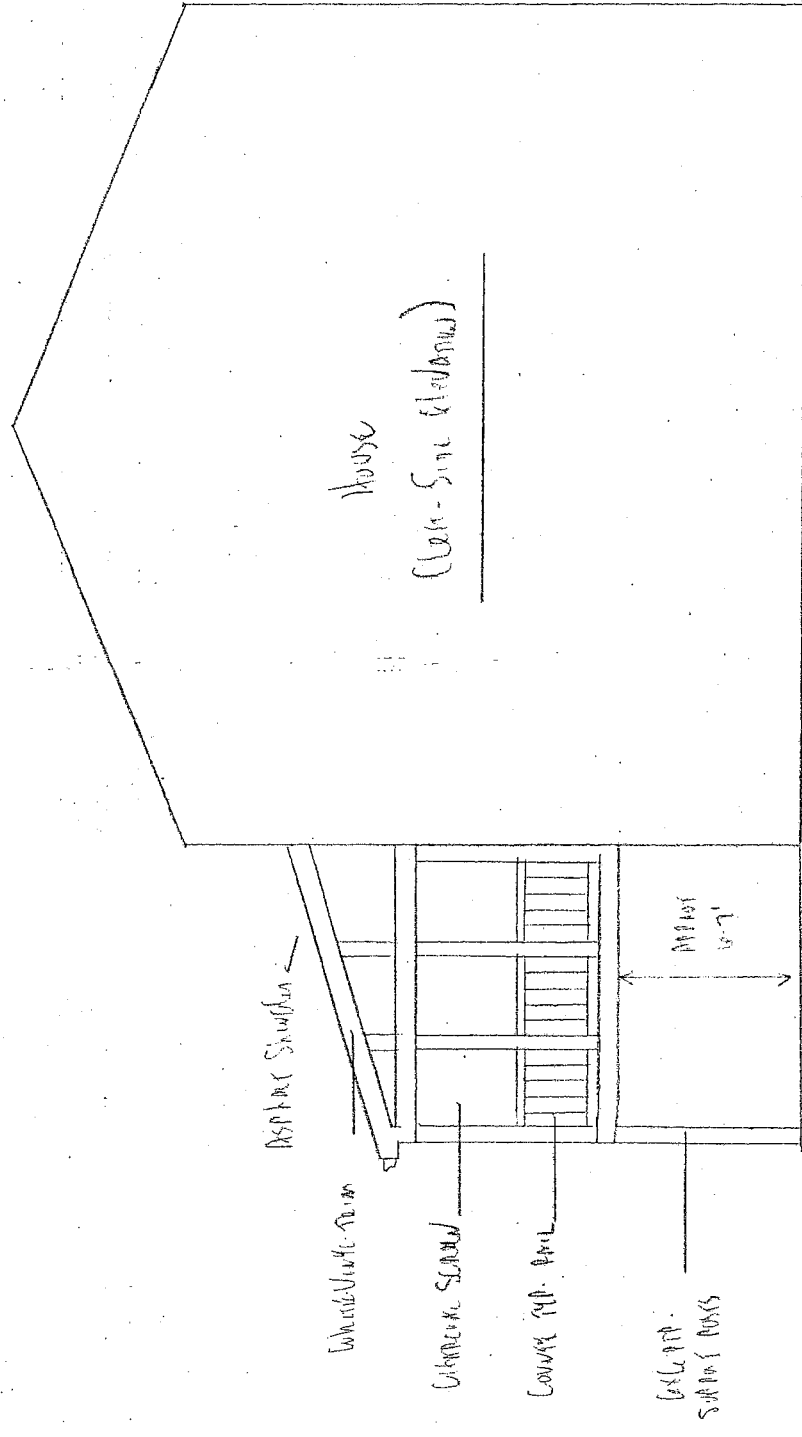
RECEIVED
Department of Planning & Zoning
NOV 17 2011
Zoning Enforcement Division

RIGHT SIDE ELEVATION

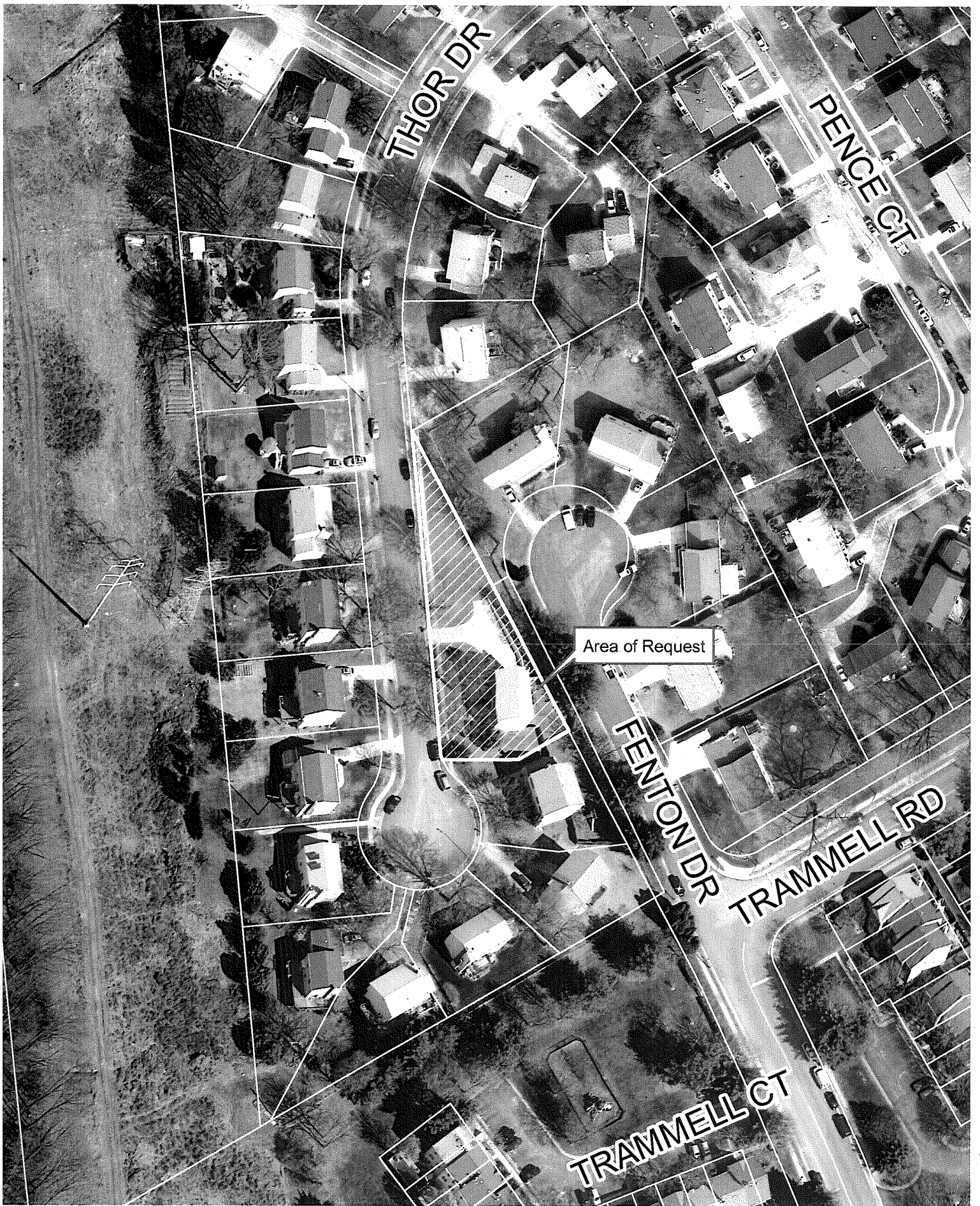


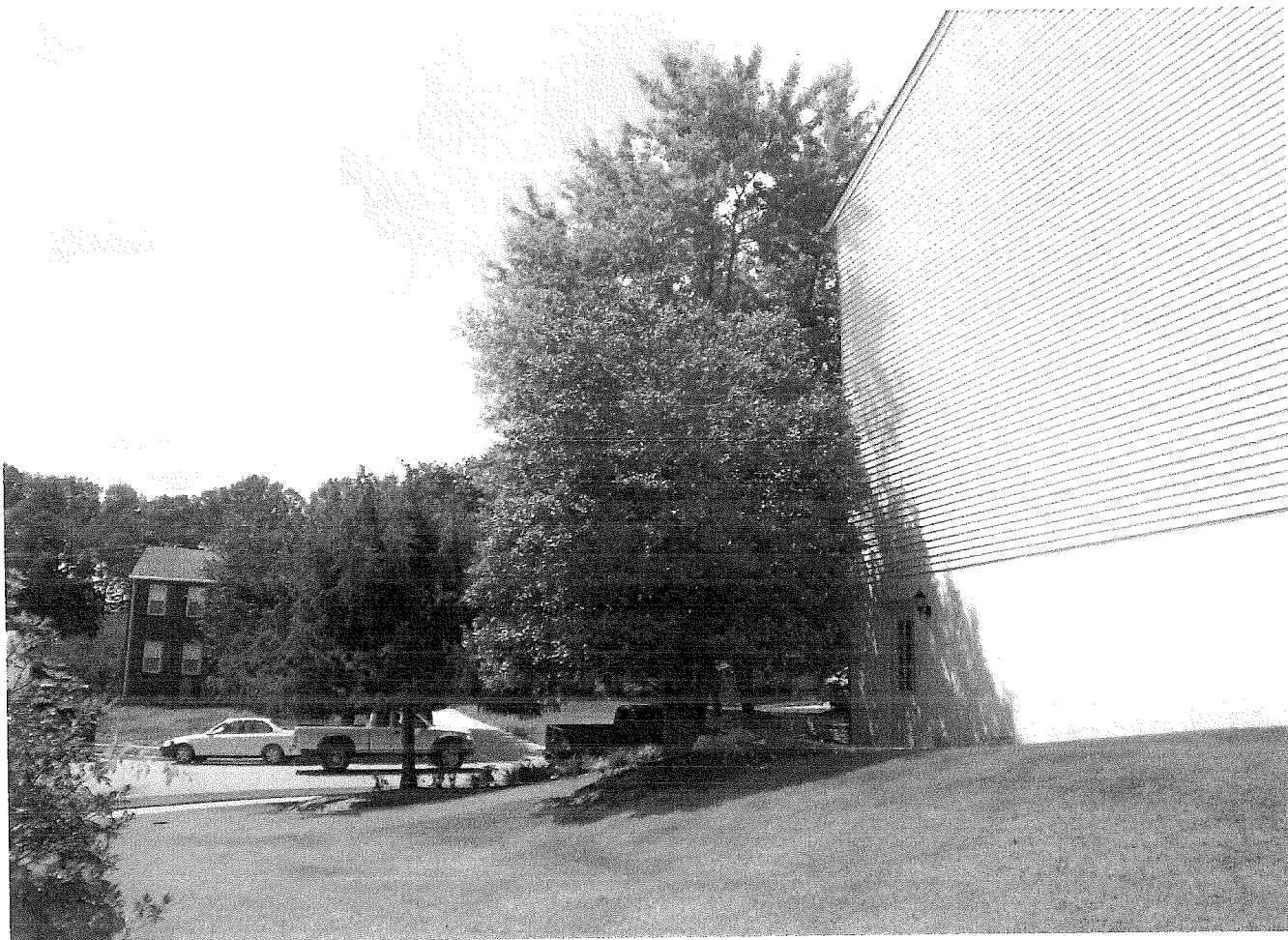
ROBINSON RESIDENCE
7959 THORN AVE, APT 1000, WILSON, VA
MR. WILLIAMS, HUSBAND
SEP 2013

Long-Side Elevation



Remains Divergent
 7999 North Divergent St
 MK Williams House LLC
 Sept 2011

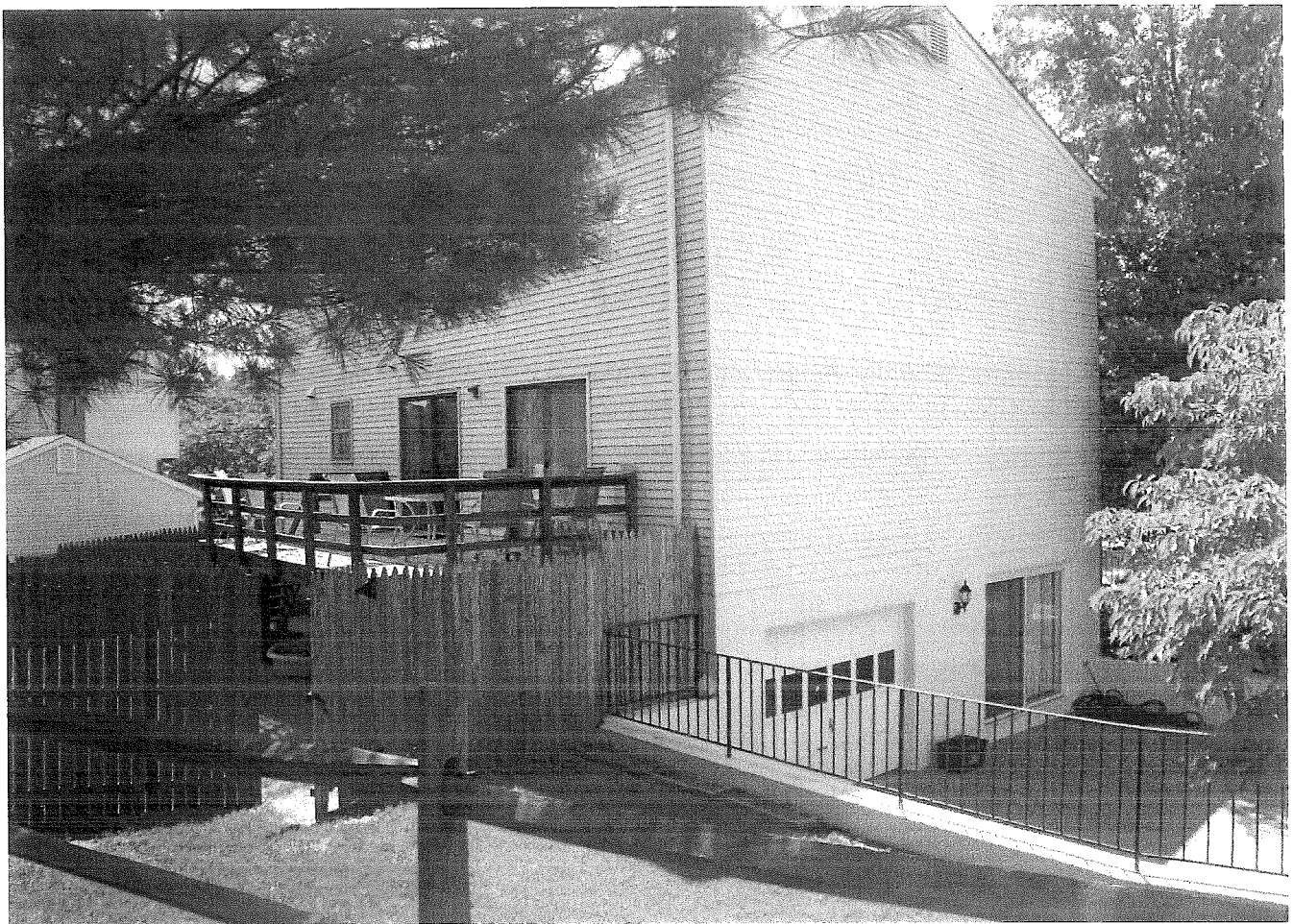




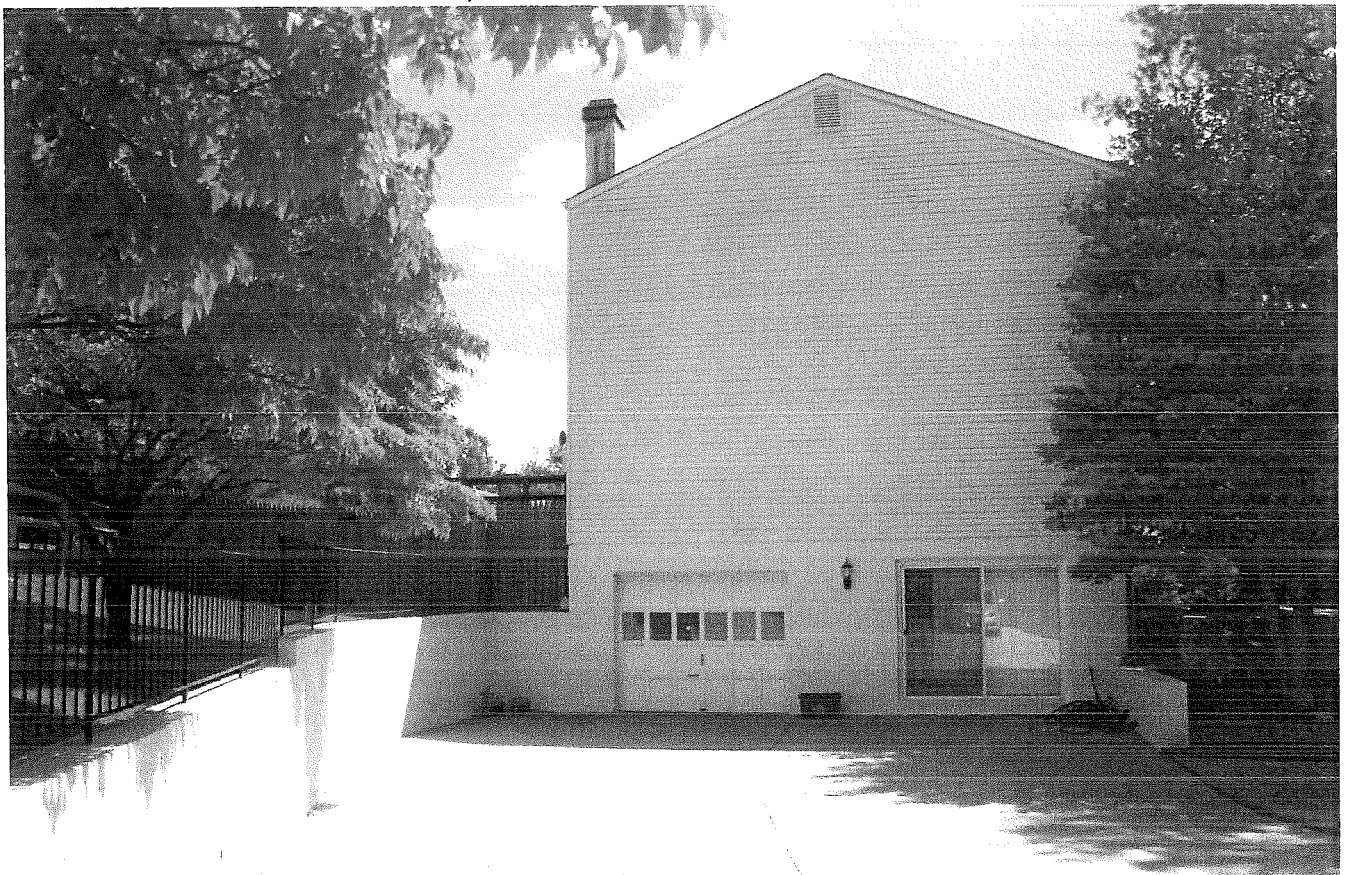
LEFT FRONT OF RESIDENCE



FRONT OF RESIDENCE



RIGHT REAR OF RESIDENCE



RIGHT SIDE OF RESIDENCE



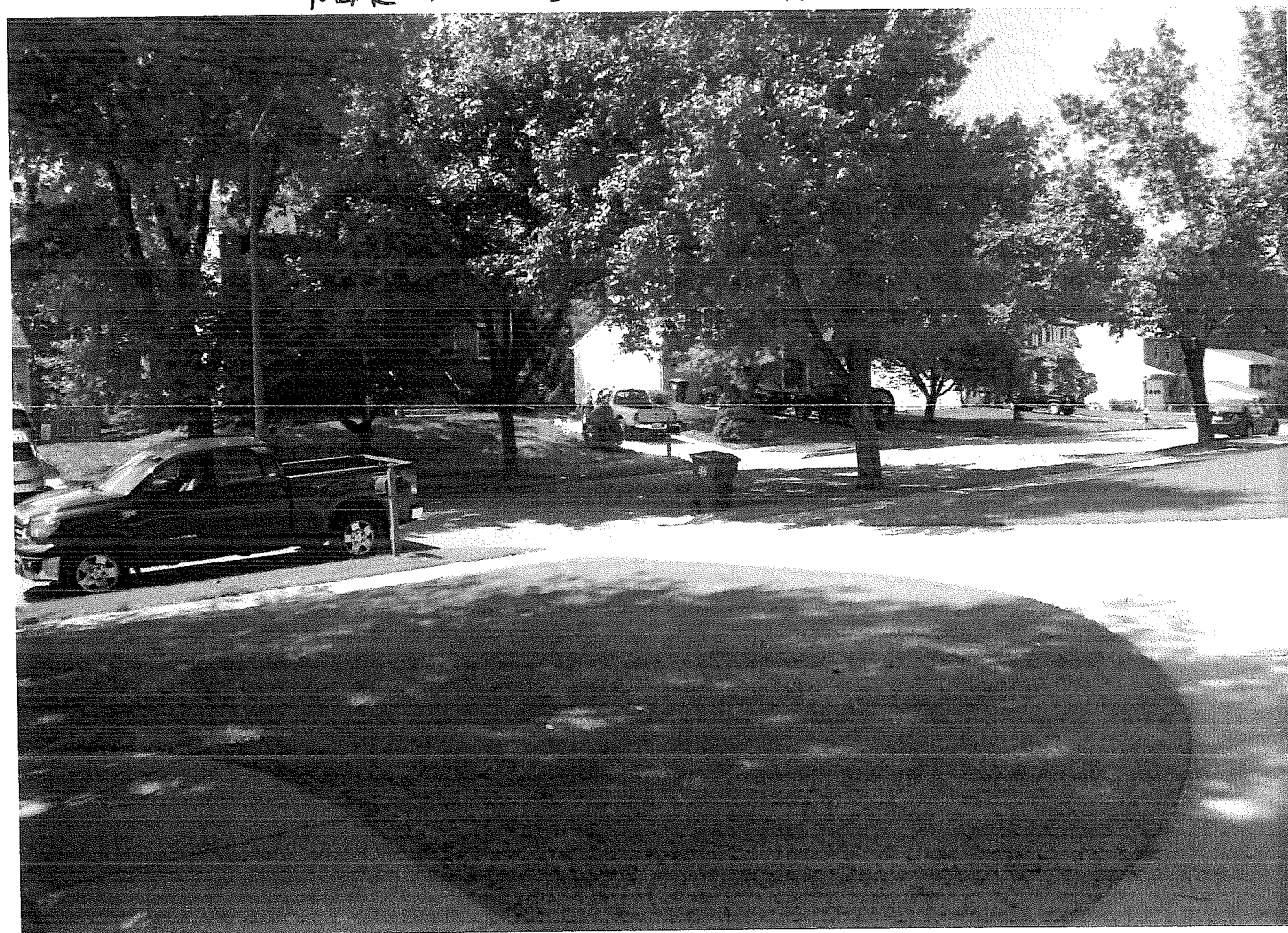
LEFT REAR OF RESIDENCE



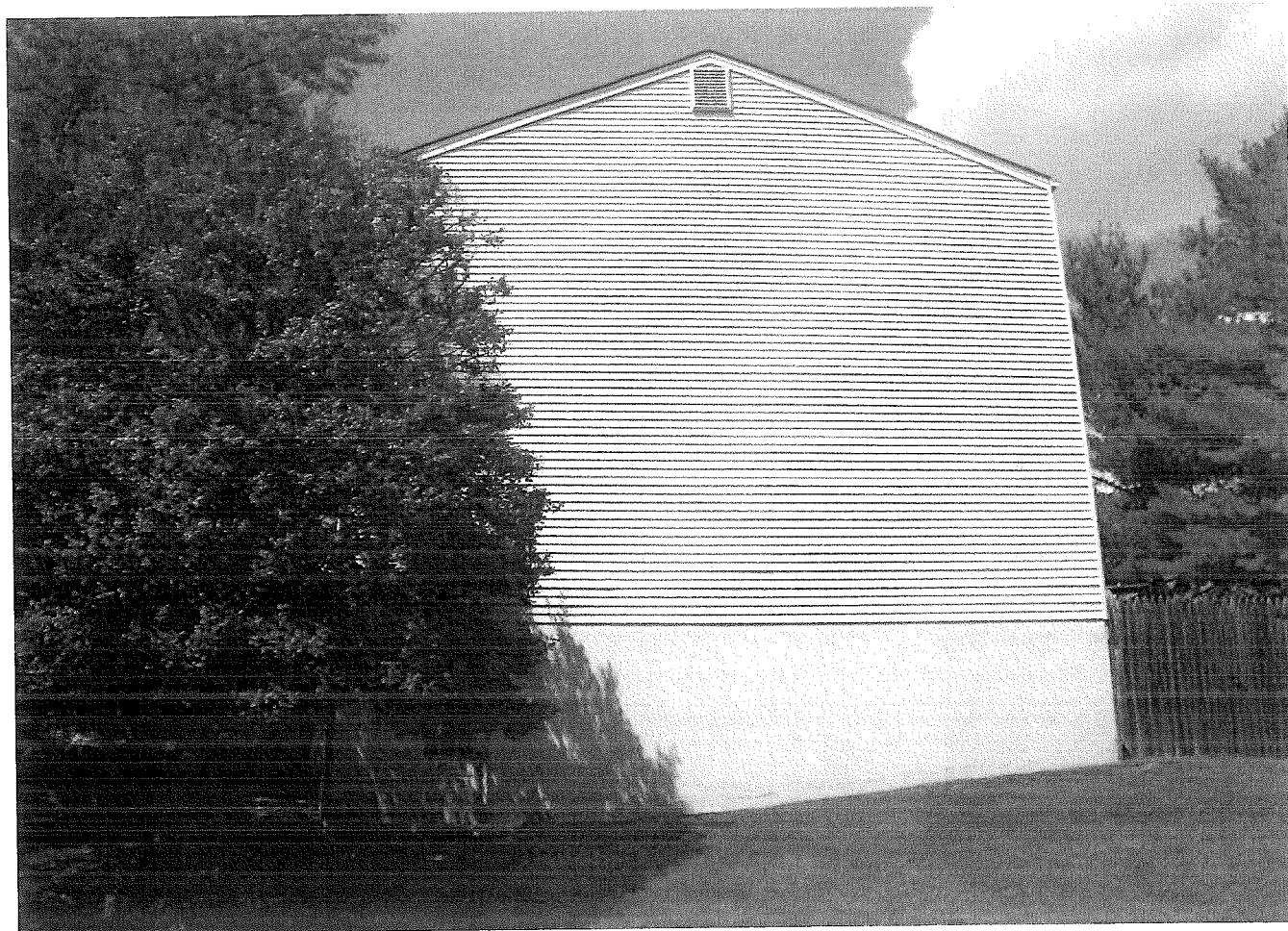
REAR OF RESIDENCE



REAR RIGHT SIDE VIEW FROM RESIDENCE



FRONT RIGHT SIDE VIEW FROM RESIDENCE



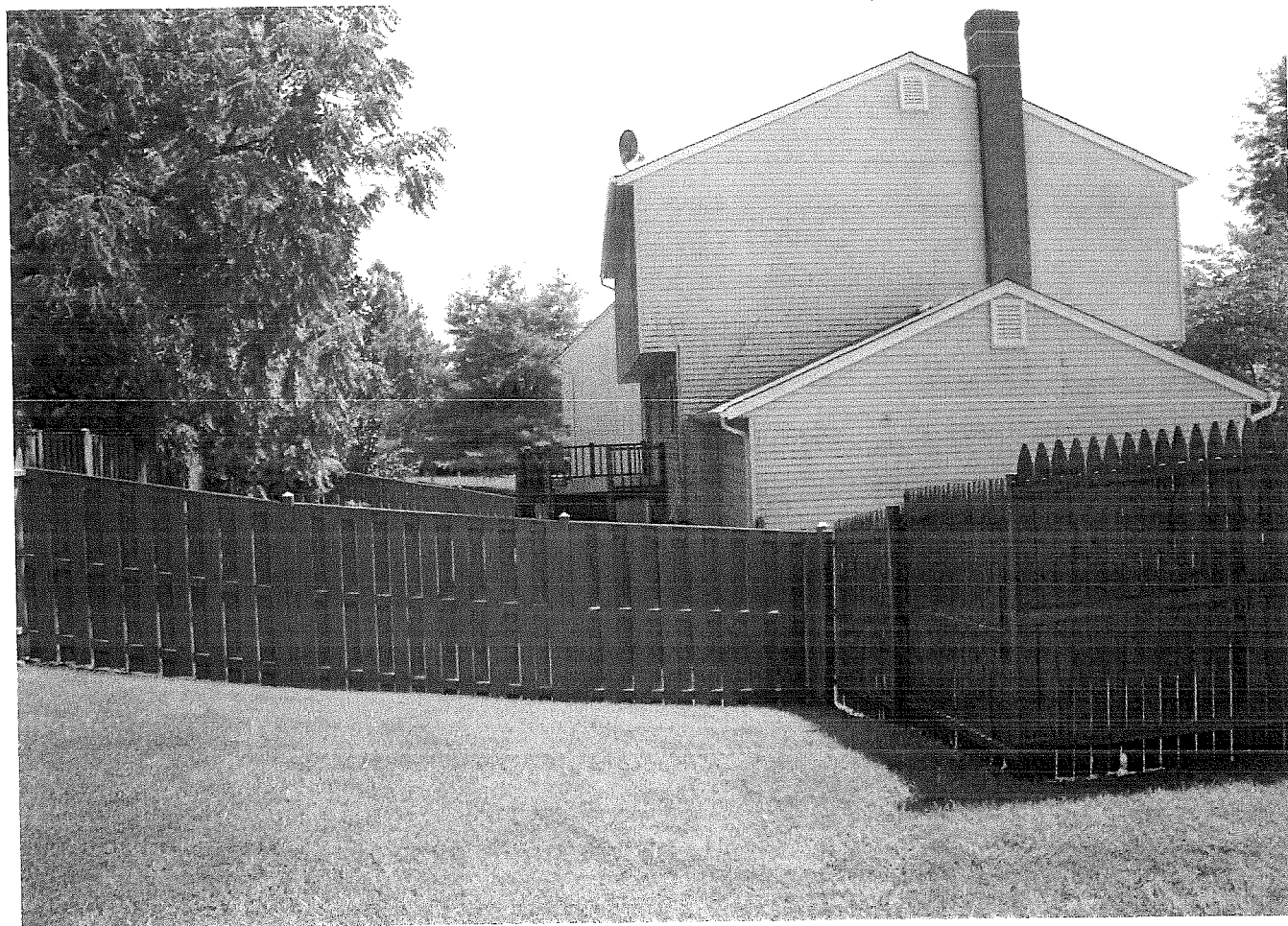
RIGHT SIDE VIEW OF RESIDENCE



RIGHT REAR OF RESIDENCE



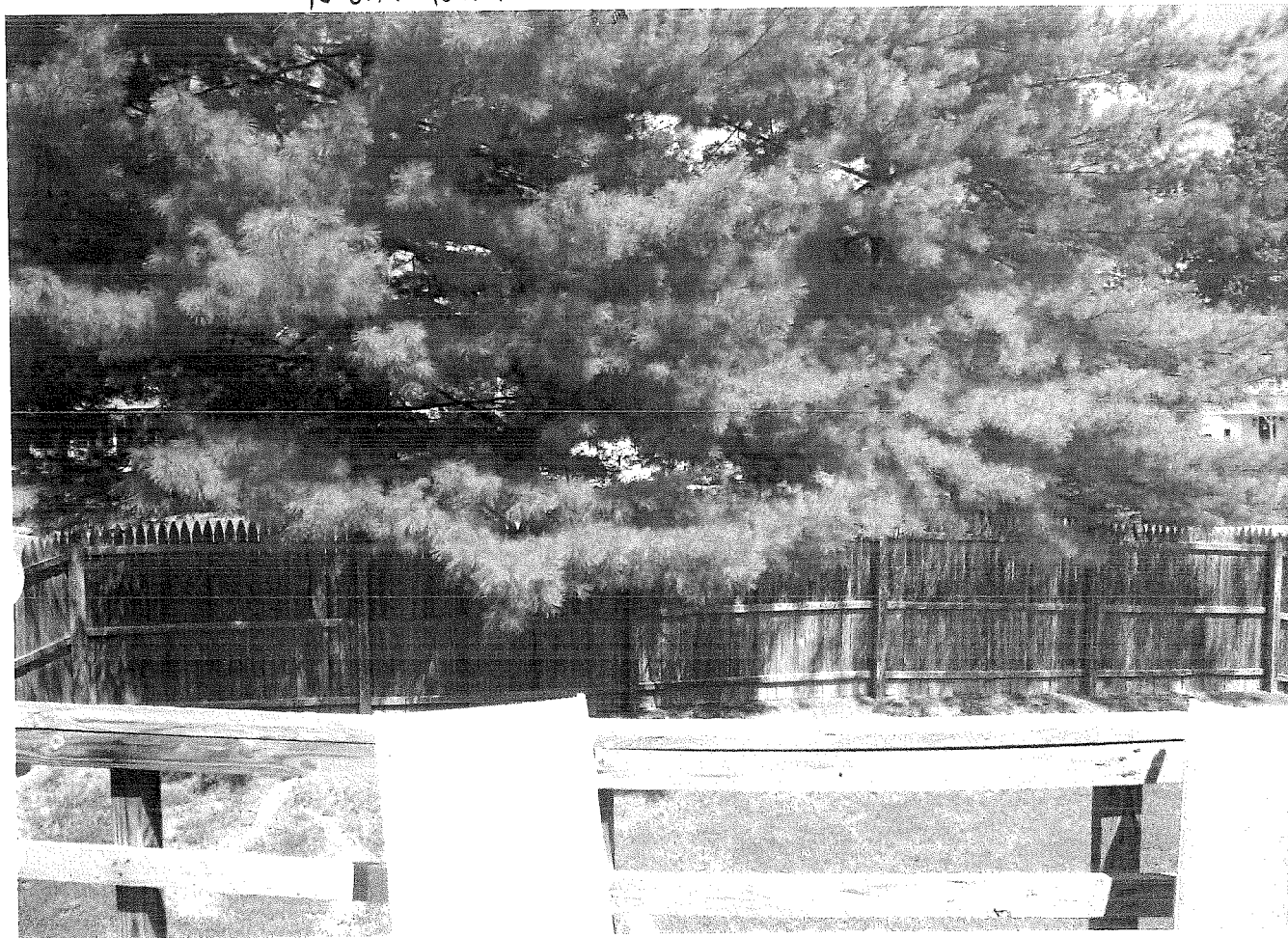
RIGHT SIDE STREET VIEW



LEFT SIDE VIEW



RIGHT REAR VIEW FROM RESIDENCE



REAR VIEW FROM RESIDENCE



LEFT REAR VIEW FROM RESIDENCE



FRONT VIEW FROM RESIDENCE



LEFT FRONT VIEW FROM RESIDENCE



LEFT SIDE STREET VIEW

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit reduction of certain yard requirements for construction of an addition 13.7 ft. from the eastern rear lot line. The addition will be a screened porch/deck.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Rear	25 feet*	13.7 feet	11.3 feet	45.2%

* Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The 15,563 square foot lot is currently zoned R-3, developed under the cluster provisions and constructed with a, two-story, single family detached dwelling. The minimum lot size in an R-3 district, developed under the cluster provisions, is 8,500 square feet. The lot slopes toward the dwelling from the street then levels for a portion of the backyard then slopes up again toward the rear of the lot.

The lot is triangular in shape which creates shallowness to the depth. The dwelling is accessed via a hard surfaced drive extending from Thor Drive, which terminates in a cul-de-sac.

The rear of the property faces Fenton Drive; a street parallel to the east of Thor Drive, but is separated by a lot and outlot therefore the deck projects into a rear yard.

The property contains several mature deciduous and coniferous trees, shrubs and foundation plantings.

Structure	
Floor Area	3,390 square feet*
Year Constructed	1982
Access	Hard-surfaced driveway that extends from Thor Drive
Site Features	Mature vegetation
Easements	Ten (10) foot sanitary sewer easement in the northern corner of the lot.

*According to the stamped drawings provided by the surveyor.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single-Family Dwellings
East	R-3	Single-Family Dwellings
South	R-3, R-5	Single Family Dwellings, Townhomes
West	R-3	Single-Family Dwellings, Interstate 495

BACKGROUND

Following the adoption of the current Ordinance, the BZA has heard the following special permit and variance applications in the vicinity of the application parcel:

- Variance VC 88-M-173 was approved on February 21, 1989 for Tax Map 59-4 ((17)) 16, zoned R-3, at 3482 Pence Court to allow construction of an attached garage 8.1 feet from side lot line such that side yards total 16.31 feet.

PLAT	
Special Permit Plat	Attached at front of report
Title of SP Plat:	Special Permit Plat, Lot 45, Section 2, Holmes Run Village
Prepared By:	Alterra Surveys, dated 10/14/2011, signed by Patrick A. Eckert.

Proposal:

The applicant requests approval of a special permit to be able to remove an existing deck and steps, and to replace them with a new screened deck, open deck and steps. The proposed open deck and steps are permitted as they can extend 12.0 feet into the minimum required rear yard. The screened deck however is considered an addition and cannot extend into the yard. The screened deck is proposed to be located 13.7 feet from the eave to the rear lot line. A minimum of 25.0 feet is required.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The general character of the residential neighborhood is similar with two story homes of 1980's construction. Most of the homes have decks off the rear of the dwellings. The proposed screened porch addition is of a similar style and is harmonious with the existing home and surrounding neighborhood.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the stamped drawings provided by the engineer, the existing dwelling has 3,390 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 5,085 square feet square feet in size for a possible total building size of 8,475 square feet above-grade living area. The proposed addition is approximately 238 square feet in area, thereby realizing a total house size of 3,628 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk

and scale of the existing structure(s) on the lot. *The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The screened porch will have an asphalted roof and be in scale with the existing dwelling.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains many decks, some of which appear to be covered. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There is no RPA on the property. The addition adds minimal impervious area and is a replacement over an existing deck, with a small extension. There is not a dwelling immediately behind the subject property and there are several mature trees abutting the rear lot of the parcel. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed addition is in an area without existing trees. The area of the addition is off the rear of the existing dwelling into the rear lot of the property. The abutting properties to the east are across the right of way of Fenton Drive. There are no structures immediately abutting the subject parcel. It appears there will be no impact to existing vegetation and minimal new impervious area because it is a replacement and slight enlargement over an existing deck therefore staff believes that the application meets this provision.

CONCLUSION

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2011-MA-110 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-MA-110

March 21, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MA-110 located at 7859 Thor Drive, Tax Map 59-4 ((17)) 45 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

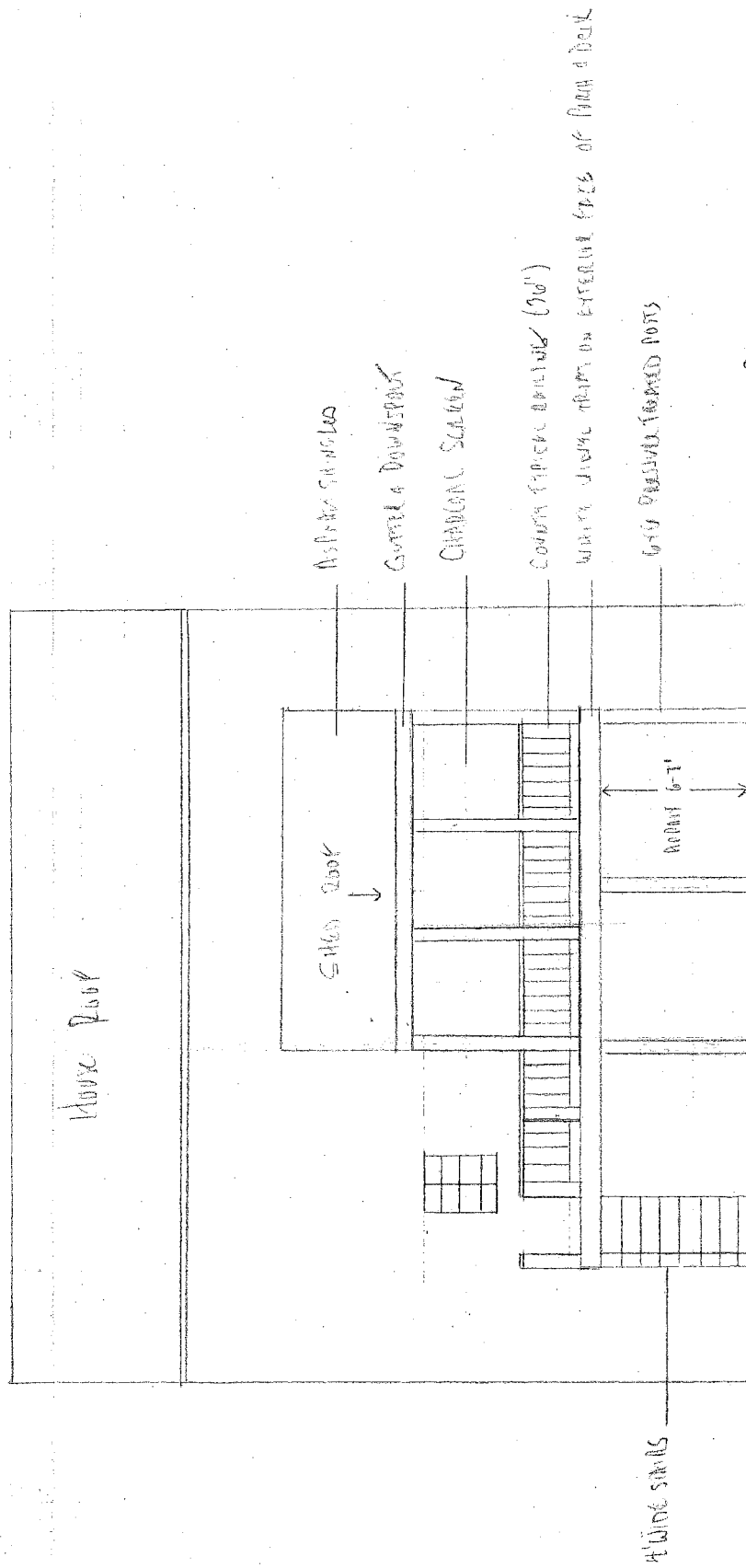
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 238 square feet) of the addition, as shown on the plat prepared by Alterra Surveys, dated October 14, 2011, signed by Patrick A. Eckert, Land Surveyor, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,390 square feet existing + 5,085 square feet (150%) = 8,475 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional

time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

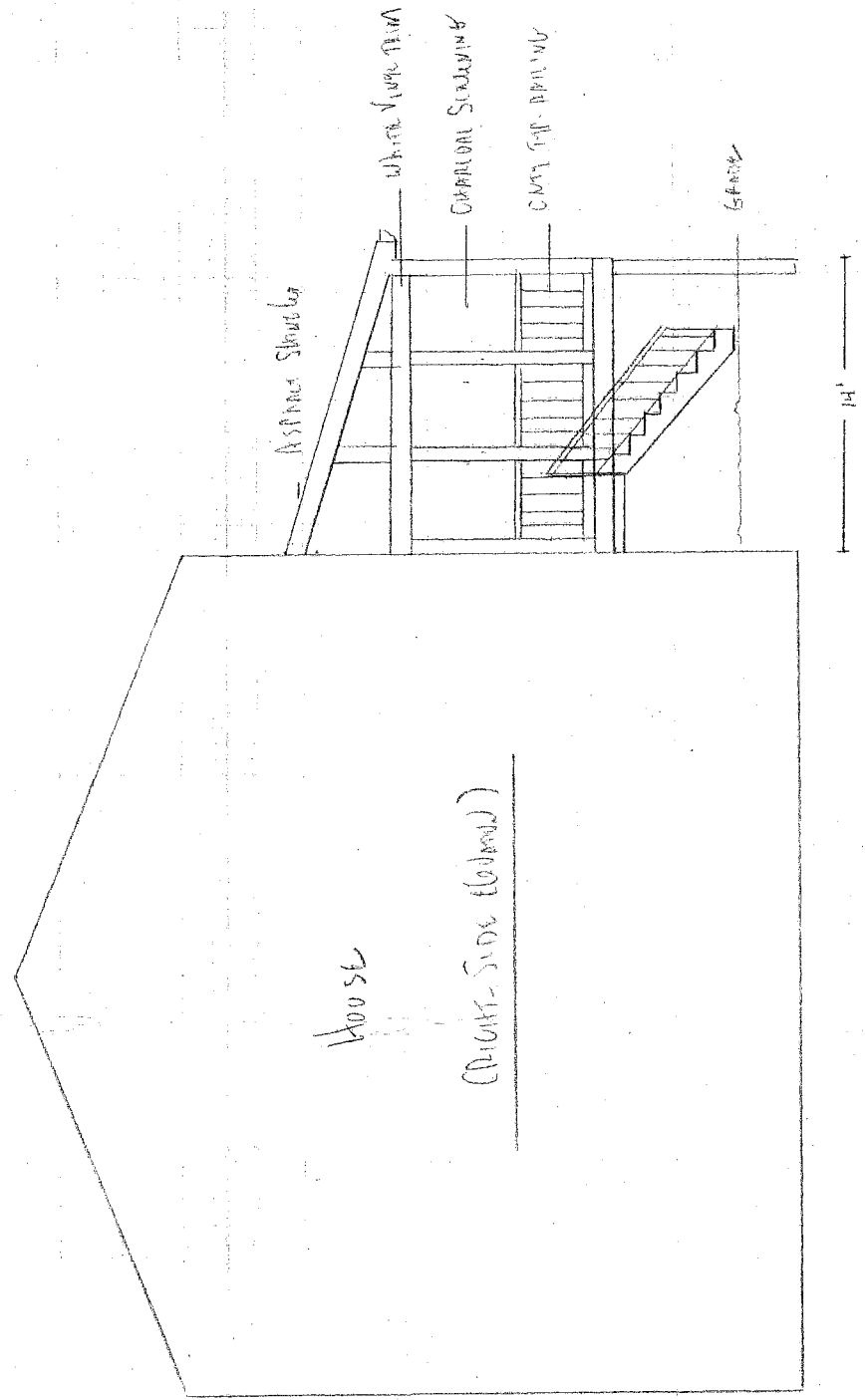
REAR ELEVATION



ROBBINS RESIDENCE
7869 THOR AVE, ARLINGTON VA
MIL VILLAIN'S HOMES LLC
SEP. 2011

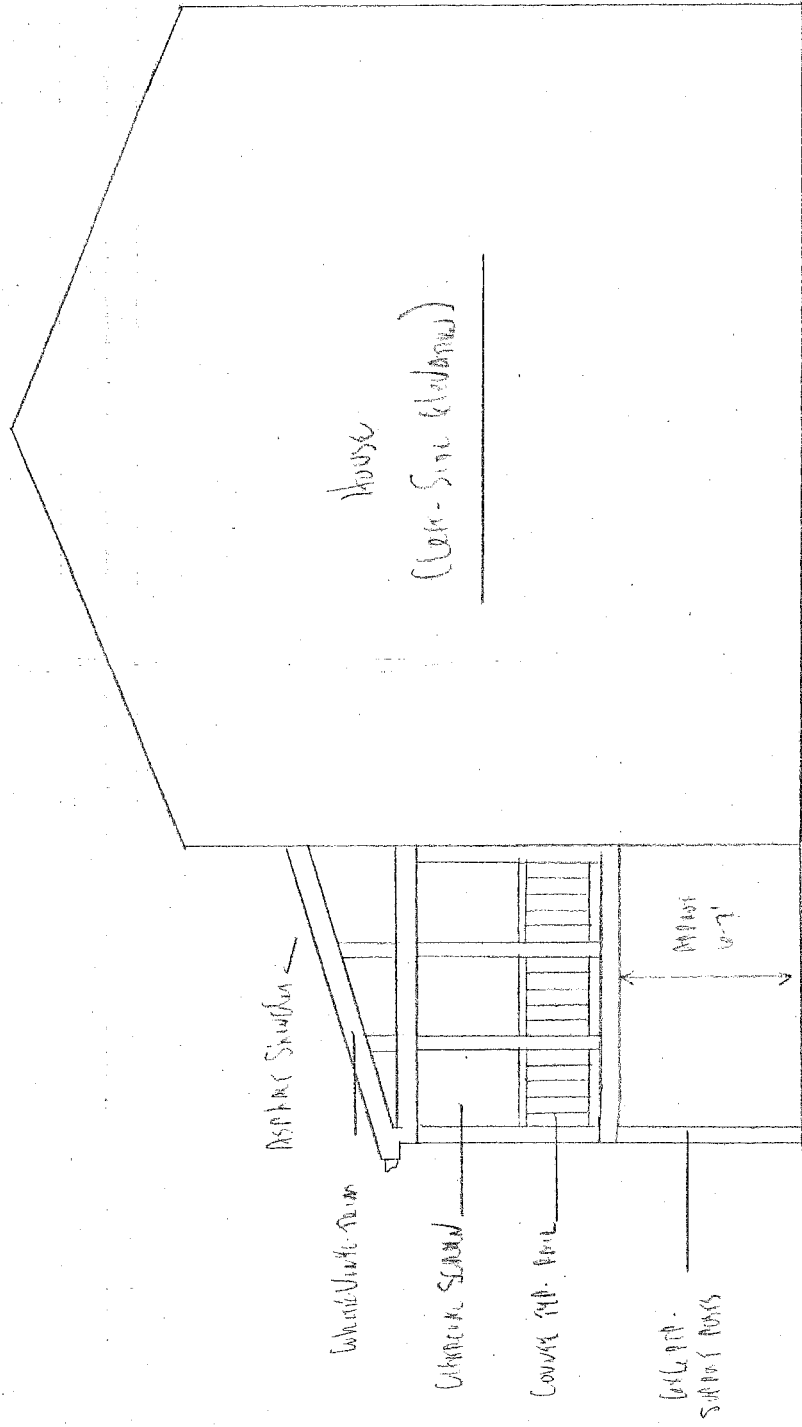
RECEIVED
Department of Planning & Zoning
NOV 17 2011
Zoning Evaluation Division

RIGHT SIDE ELEVATION



Robbins Residence
7154 Third Ave, Atlanta, GA 30318
Mr. William H. H. H.
Sept 2017

Levi-Siegelman



House
(Levi-Siegelman)

POORLY DRAWN
7159 PINEHURST DRIVE
MILWAUKEE, WISCONSIN 53211
SENT 2011

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/3/11
 (enter date affidavit is notarized)

I, CHRIS ROBBINS, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

114124

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
CHRISTOPHER M. ROBBINS	7459 THOR AVE. ANNANDALE VA 22003	HUSBAND/APPLICANT
MICHELE M. ROBBINS	7859 THOR AVE. ANNANDALE VA 22003	WIFE

☒ (TITLE OWNERS LISTED ABOVE.)

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/3/11
(enter date affidavit is notarized)

114124

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Not Applicable

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Not Applicable

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/3/11
(enter date affidavit is notarized)

114124

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

Not Applicable

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

Not Applicable

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/3/11
(enter date affidavit is notarized)

114124

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/3/11
(enter date affidavit is notarized)

114124

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

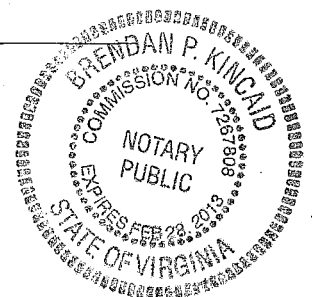
☐ Applicant's Authorized Agent

CHRISTOPHER M. ROOSNS, APPLICANT
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of September 2011, in the State/Comm. of Virginia, County/City of Fairfax.

B. P. Kincaid
Notary Public

My commission expires: 2/28/13



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

^{D/B.}
 7859 Thor Ave. Annandale, Va. 22003
 Tax Map # 0594-17-0045
 Zoning District: R-3C

To whom it may concern:

This request is for a Special Permit to obtain a reduction in the minimum rear yard requirement for the above referenced property. We have planned to make improvements to our home to enhance its appearance, usability and overall value. The planned improvements cannot be made without extending construction past the minimum rear yard requirements.

The proposed screened porch and open deck will replace an older existing deck to provide a more usable outdoor area in the back of the house. The porch and deck would be similar to many found in suburban neighborhoods in the county and not be out of character with those in this neighborhood. The improvements will not be a detriment to adjacent properties and will work well with the existing architecture of the home. Access to and from the porch and deck will utilize an existing door and travel patterns. The house and lot back up to a street on the rear of the home.

The resulting gross floor area of the addition (sundeck) is ^{36.252} ~~less than 150%~~ of the total gross floor area of the principal structure. No portion of the original existing dwelling (house) is to be removed.

The resulting gross floor area of the sundeck will be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

We understand the BZA shall determine that the proposed development is within the character of the existing on-site development in terms of the location, height, bulk and scale of the existing structures on the lot.

We understand that the BZA shall determine whether the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.

We understand that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm water runoff.

We believe that this proposed addition represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.

The lot on which the home is located has a very shallow effective rear buildable area. Due to the shallowness of the lot the improvements cannot be constructed with the remaining available space. The current buildable area would only allow a 4' deep screened porch. As such, we are requesting a Special Permit from the Board of Zoning appeals.

As this is not a place of business, there are no hours of operation, patrons, clients, employees, etc. there will be no additional traffic impact. There are not and will not be hazardous or toxic substances generated, utilized, stored, treated, and/or disposed of on this site.

The Special Permit is being sought for a reduction of the rear yard requirement to permit the construction of a deck and screened porch on the rear of the home. The reduction in yard requirement would not impair the purpose or intent of the ordinance and will not be detrimental to the use and enjoyment of the other properties in the immediate vicinity. This construction will not create an unsafe condition with respect to the other properties and public streets. To force compliance with the minimum yard requirement would cause unreasonable hardship as the available living space is too narrow to completely utilize for our family. Thank you for your consideration in this matter.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.